



Paper No. 16

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OFFICE OF PETITIONS

In re Application of
PeterFinmans et al.
Application No. 09/509,400
Filed: June 19, 2000
Attorney Docket Number: MULLER-17

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2003, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 18, 2002. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned July 19, 2002. Accordingly, a Notice of Abandonment was mailed November 14, 2002.

Petitioner files the instant petition under 37 CFR 1.137(b).¹

It should be noted that the delay in processing the petition to revive was probably due to the fact that neither the petition nor the amendment indicated an application number as required and was only now matched with the application file. In the future, please be careful to properly identify all correspondence filed with the USPTO.

This application is being forwarded to Technology Center 1714 for appropriate action on the amendment filed May 5, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).